

**MINUTES OF FORENSIC LABORATORY ADVISORY COMMITTEE (FLAC) MEETING**

**Wednesday, October 06, 2016, 10:00 A.M.-11:30 A.M.**

**DHMH-Office of Health Care Quality**

**Bland Bryant Building**

**55 Wade Avenue**

**Catonsville, MD 21228**

**Members in Attendance:**

Renee Webster, DHMH, OHCQ, Assistant Director for Patricia Tomsko Nay, M.D., Executive Director, OHCQ (Chairperson)

Yale Caplan, Ph.D., American Academy of Forensic Sciences

Irvin Litofsky, Director, Baltimore County Police Department Forensic Services Section

Anja Einseln, ASCLD/LAB

Karin Athanas, American Association for Laboratory Accreditation (A2LA)

Daniel Katz, Director, Maryland State Police Forensic Sciences Division

Rana DellaRocco, Director, Baltimore Police Department Laboratory

Lorraine Doucette, American Society for Clinical Laboratory Science

Lilia Mijares, Ph.D., University of Maryland School of Medicine

*Quorum was established with 9 of 10 FLAC members in attendance.*

**Members Unable to Attend:**

Robert Myers, PhD, DHMH Director of Laboratories Administration, Ex officio

**DHMH Staff:**

Lori Dodson, OHCQ, Coordinator of Forensic Laboratories Program

Paul Celli, OHCQ, Public Health Administrator for Clinical and Forensic Laboratories

**Non-members in Attendance:**

Cassandra Burke, QA Officer Baltimore County Police Forensic Services Section

Teresa Long, Laboratory Director, Howard County Police Department Forensic Services Section

Lynnette Redhead, DNA Lab Manager, Prince George's County Police Dept. Forensic Sciences Section

William Vosburgh, DDS, Director, Prince George's County Police Dept. Forensic Sciences Section

Gabrielle Toy, Evidence Coordinator, Anne Arundel County Police Department

Craig Robinson, Manager, Identification and Crime Scene Unit Anne Arundel County Police Dept.

Francis Chiafari, Director, Montgomery County Police Dept. Crime Laboratory

Richard Remy, Baltimore Police Department Laboratory

Theresa DeAngelo, QA Officer, Maryland State Police Forensic Sciences Division

Ayesha Larkins, Baltimore Police Department Laboratory

## **Minutes Organized by Agenda Items**

### **I. Welcome and General Announcements**

Renee Webster, OHCQ Assistant Director for Dr. Patricia Nay (Chairperson), called the meeting to order at 10:05 a.m., welcomed the committee members and others in attendance, and announced that a Quorum had been established for today's meeting.

Ms. Webster announced the addition of two new FLAC members, Anja Einseln (ASCLD/LAB) and Rana DellaRocco (Baltimore-Municipal), to the committee. Ms. Einseln and Ms. DellaRocco briefly introduced themselves followed by brief introductions from others in attendance.

FLAC members reviewed the minutes from the May 11<sup>th</sup> meeting, Ms. Athanas moved to approve the minutes with corrections (ASCLD/LAB replaced ASCLD under Agenda Items V. and VIII). Ms. Doucette seconded the motion and the FLAC minutes from May 11<sup>th</sup> 2016 were approved pending corrections.

### **II. Updates on OHCQ's 2016 Laboratory Proficiency Test and Annual Audit Review**

Ms. Dodson updated the committee on the 2016 Proficiency Test and Internal Audit review schedule. To date, all out-of-state laboratories have been completed. In-state laboratories have all been scheduled for site visits ranging from 9/22/16 through 11/18/16.

### **III. Forensic Licensing Fee Elimination**

Ms. Dodson updated the committee on Governor Hogan's announcement to eliminate forensic laboratory fees as of 8/29/16. Ms. Webster discussed the elimination of fees from OHCQ state programs throughout our agency, but explained federal fees are still in effect.

### **IV. Updates on the ASCLD/LAB and ANAB Merger**

Ms. Einseln updated the committee on the ASCLD/LAB and ANAB merger. Currently, the two accrediting programs will continue to run in parallel until a timeline for a merger has been discussed. The program managers from both organizations (ASCLD/LAB and ANAB) are reviewing the proposed accreditation requirements in conjunction with ISO 17025. The timeline for a merger will be released after a combined accreditation document has been posted for a public comment/feedback period. Following a final draft revision, the transition period will be formally announced.

Dr. Caplan asked how the ASCLD/LAB and ANAB merger would affect DHMH's function. Ms. Webster stated that DHMH will eventually need to re-establish a crosswalk when the new accreditation standards have been released.

## **V. Letter of Exception Criteria**

Ms. Dodson suggested forming workgroups per discipline to further define “competency” in COMAR 10.51.03 which states *“The individual applying for the letter of permit exception has documentation that demonstrates the individual’s competency and experience in the specific forensic discipline or sub-discipline in which the forensic analysis will be performed.”* Ms. Webster suggested limiting the Letter of Exception to only include testing not data analysis/interpretation. Mr. Katz disagreed with limiting the Letter of Exception to testing only and stated data analysis is part of the testing process. Dr. Mijares added that if a conclusion is reached from an interpretation of data that is suggestive of science and not opinion, therefore the applicant must be competent to interpret the data. Ms. Einseln and Ms. Athanas suggested looking into existing OSAC/SWG guidelines, or researching current Texas state standards for licensing individual analysts.

Ms. Dodson will gather current COMAR personnel competencies per discipline and research OSAC/SWG and TX state analyst competency standards for the committee to review at the next meeting.

## **VI. Proficiency Testing Records/PIA**

During the May 2016 FLAC meeting, Mr. Katz requested an interpretation and formal opinion drafted from the State’s Attorney General regarding proficiency testing and public information. Maryland General Health Code 17-2A-03(b) says *“Certain logs and records available on written request. -- A forensic laboratory shall make discrepancy logs, contamination records, and test results available to the public within 30 days of a written request.”* As a group, FLAC regards proficiency testing records as part of the employee personnel file, but Mr. Katz felt an official opinion would be beneficial. Ms. Dodson requested an opinion be drafted from our AAG, but he is unable to issue a formal opinion on behalf of each local police department. Each police department has their own attorney that needs to interpret what the statute says regarding proficiency testing.

## **VII. Other Items**

Ms. Dodson announced an AMDIS seminar hosted by NIST (Gaithersburg) to be held on October 26, 2016. Mr. Katz announced a DNA Training for Judiciary to be held on October 6, 2016 at the Judiciary College of Maryland.

The PCAST report was also discussed by the committee and attendees. Mr. Katz felt the report made some points. Firearms seem to be the biggest concern and the committee discussed advice to staff on how to testify.

### **VIII. Date and Agenda Items for Next Meeting**

Ms. Webster and Ms. Dodson proposed the next meeting be held in February 2017. Agenda items for discussion will include (but not limited to) Letter of Exception Criteria, ASCLD/LAB and ANAB merger, and possible legislation. Mr. Katz motioned to adjourn the meeting and Ms. Einseln seconded the motion. The meeting adjourned at 11:30 a.m.